

Before the
Federal Communications Commission
Washington, D.C. 20554

MM Docket No. 92-66

In the Matter of

Amendment of Section 73.202(b). RM-7940
Table of Allotments.
FM Broadcast Stations.
(Sun City, Arizona)

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: January 28, 1993; Released: February 5, 1993

By the Chief, Allocations Branch:

1. Before the Commission for consideration is the *Notice of Proposed Rule Making*, 7 FCC Rcd 2271 (1992), issued in response to a petition filed on behalf of Resource Media, Inc. ("petitioner"), licensee of Station KONC-FM, Channel 292A, Sun City, Arizona, proposing the substitution of Channel 292C2 for Channel 292A and modification of its license accordingly to specify the higher class channel. Petitioner filed supporting comments in support of its proposal. No other comments were received.

2. As stated in the *Notice*, the site specified by petitioner to accommodate requested Channel 292C2 is located 42.3 kilometers (26.2 miles) north of the community,¹ whereas the 70 dBu signal of a Class C2 allotment is assumed to extend a distance of 32.6 kilometers (20.2 miles) from the farthest boundary of the community.² Therefore, it would be necessary to employ conventional Class C2 facilities (50 kW at 150 meters), to provide a 70 dBu contour over the entire community. Based upon our staff engineering analysis, it was determined that since the average terrain elevation at the petitioner's proposed site is 779 meters AMSL, the antenna radiation center height would be 929 meters AMSL. Therefore, we found that an antenna height of 247 meters (810 feet) AGL at the petitioner's proposed site would be required to attain maximum Class C2 facilities. Although agreeing with petitioner's technical showing with

respect to the antenna radiation center height AMSL (779 meters) our engineering analysis determined the ground elevation at its proposed site to be 682 meters AMSL. As a result, we found that the petitioner's proposed use of a 185 meter AGL antenna at its specified site would result in an overall antenna height of 867 meters AMSL. Since the antenna radiation center would not exceed 88 meters HAAT at the petitioner's proposed site, we determined that in combination with an effective radiated power of 50 kW, a 70 dBu signal would not encompass Sun City. Therefore, petitioner was requested to provide additional information to demonstrate its ability to comply with the requirements of Section 73.315 of the Commission's Rules, and to provide evidence of FAA clearance for a tower of 247 meters (810 feet) at its specified site.

3. In response, petitioner asserts that the Commission's calculation of the ground elevation at its proposed site appears to have been derived from a topographic data base rather than a topographic map, citing *Digitized Terrain Data (HAAT Calculations)*, 57 R.R. 2d 415, 416 (1984). Petitioner states that based on the use of a U.S.G.S. 7.5 minute topographic map, the ground level at its proposed site is 753.5 meters AMSL, and not 682 meters as the Commission previously determined based upon the use of a terrain database. Therefore, petitioner claims that an antenna height of 175.9 meters (576 feet) AGL, and not 247 meters (810 feet), would result in an antenna radiation center of 929.4 meters. Thus, petitioner asserts that from its intended site, a 70 dBu signal will encompass Sun City.

4. With respect to our concern in the *Notice* regarding FAA clearance for a tower to accommodate Channel 292C2, petitioner states that it has received such approval for a tower at 185 meters above ground level at its proposed site.³

5. Based upon petitioner's representations, a further staff engineering analysis was undertaken. As a result, it has been determined that the ground level at petitioner's specified site is 753.7 meters AMSL. Therefore, in order to attain an antenna radiation center of 929 meters AMSL, the antenna for Channel 292C2 need not exceed 175.3 meters (575 feet) AGL.

6. We believe the public interest would be served by substituting Channel 292C2 for Channel 292A at Sun City, Arizona, since it could provide the community with an expanded coverage area FM service. We also find that suitable information has been provided to conclude that petitioner can place an acceptable signal over Sun City from its specified site, and that based upon its documentation, the antenna height necessary to accommodate the proposal has received FAA approval.⁴

¹ Coordinates at the petitioner's proposed site for Channel 292C2 are 33-58-30 and 112-20-08.

² As indicated in the *Notice*, petitioner provided engineering studies, based upon actual terrain characteristics, asserting that its proposal could comply with the requirements of Section 73.315 of the Commission's Rules. Petitioner advised that the average terrain elevation at its proposed site is 779.4 meters. Petitioner further advised that since it has received FAA approval of a tower 185 meters (607 feet) above ground level ("AGL") (938.5 meters (3079 feet) above mean sea level "AMSL"), the use of a tower 150 meters HAAT would extend the 70 dBu signal a distance of 46.7 kilometers (29.0 miles) on a bearing of 170°, thereby covering the entirety of Sun City. See *Woodstock and Broadway, VA*, 3 FCC Rcd 6398 (1988). Peti-

tioner advised that its engineering calculations were based on the NGDC 30 second terrain database and the Commission's F(50,50) curves. See Sections 73.313(d)(1)-(3) and 73.333.

³ Petitioner advises that clearance was obtained in FAA Study No. 90-AWP-1280-OE, dated August 27, 1991.

⁴ Our consideration of the site proposal herein was limited to the question of petitioner's compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules, as well as Section 73.315, concerning city grade coverage requirements, and the assurance, in this instance of FAA clearance for a tower at its intended site. The application stage, where the actual proposed operating values are specified, is the proper forum to evaluate petitioner's requested facilities.

7. Channel 292C2 can be allotted to Sun City at the petitioner's specified site, located 42.3 kilometers (26.2 miles) north of the community.⁵ Additionally, since Sun City is located within 320 kilometers (199 miles) of the Mexican border, concurrence of the Mexican government to the proposed allotment of Channel 292C2 to that community, was obtained.

8. In accordance with the provisions of Section 1.420(g) of the Commission's Rules, we are modifying herein the license of Resource Media, Inc. to specify operation on Channel 292C2 in lieu of Channel 292A at Sun City, Arizona.

9. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective **March 22, 1993**, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED with respect to the community listed below, as follows:

City	Channel No.
Sun City, Arizona	292C2

10. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Resource Media, Inc. (BLH-851218KB) for Station KONC-FM, IS MODIFIED to specify operation on Channel 292C2 in lieu of Channel 292A, subject to the following conditions:

(a) Within 90 days of the effective date of this *Order*, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620; and

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

11. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), any party seeking a change of community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Resource Media, Inc., licensee of Station KONC-FM, is required to submit a rule making fee in addition to the fee required for the applications to effectuate the upgrade at Sun City, Arizona.

12. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

13. For further information concerning the above, contact Nancy Joyner, Mass Media Bureau, (202) 634-6530.

FEDERAL COMMUNICATIONS COMMISSION

Michael C. Ruger
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

⁵ As indicated above, coordinates at the reference site for Chan-

nel 292C2 are 33-58-30 and 112-20-08.